

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
8

9 CHRISTOPHER CONDE,

Case No. 1:21-cv-01072-DAD-SKO

10 Plaintiff,

11 v.

12
13 DEPARTMENT OF THE TREASURY, et al.,

14 Defendants.

ORDER DENYING WITHOUT
PREJUDICE APPLICATION TO
PROCEED WITHOUT THE
PREPAYMENT OF FEES AND
REQUIRING PLAINTIFF TO FILE AN
AMENDED APPLICATION OR FILING
FEE WITHIN THIRTY DAYS

(Doc. 2)

30-DAY DEADLINE

15
16 _____/

17

18 Plaintiff Christopher Conde, a prisoner proceeding *pro se*, filed a complaint on July 9, 2021,
19 along with an application to proceed *in forma pauperis*. (Docs. 1, 2.) In order for the Court to
20 consider Plaintiff's application to proceed without prepayment of fees, Plaintiff must provide the
21 Court with a certified copy of his trust fund account statement (or institutional equivalent), including
22 the supporting ledger sheets, for the six-month period immediately preceding the filing of this
23 complaint, obtained from the appropriate official of each prison at which Plaintiff is or was confined.
24 28 U.S.C. § 1915(a)(2). After submission of the trust fund information, the Court will determine
25 Plaintiff's ability to pay the \$350.00 filing fee required by federal law in one payment. If the Court
26 determines that Plaintiff does not have sufficient funds to pay the filing fee at one time, the Court
27 will assess an initial partial filing fee. After payment of the initial filing fee, monthly payments of
28 twenty percent of the deposits made to Plaintiff's trust fund account during the preceding month

1 will be forwarded to the Clerk of the Court each time the account balance exceeds \$10.00. Payments
2 will continue until the filing fee is paid.

3 Because Plaintiff failed to provide a certified copy of his trust account statement showing
4 transactions for the past six months, and to comply with the specific informational requirements for
5 affidavits submitted pursuant to 28 U.S.C. §1915(a)(1), the Court is unable to determine if Plaintiff
6 is entitled to proceed without prepayment of fees in this action.

7 Accordingly, it is HEREBY ORDERED that:

- 8 1. Plaintiff's application to proceed without the prepayment of fees is DENIED without
9 prejudice; and
- 10 2. Within thirty (30) days of the date of service of this order, Plaintiff shall file an
11 application to proceed without the prepayment of fees that includes the information
12 described above or provide the Court with the reasoning as to why Plaintiff cannot
13 obtain such information. Alternatively, Plaintiff may pay the \$402.00 filing fee for
14 this action. **Failure to comply with this order will result in the recommendation**
15 **that this action be dismissed.**

16
17 IT IS SO ORDERED.

18 Dated: **July 13, 2021**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE